

# **Transport Legislation (Port Pilotage) Amendment Bill 2013**

## **Explanatory Notes**

### **FOR**

## **Amendments To Be Moved During Consideration In Detail By The Honourable Scott Emerson MP**

### **Title of the Bill**

Transport Legislation (Port Pilotage) Amendment Bill 2013

### **Objectives of the Amendments**

The objective of the amendments is to ensure that Queensland can continue to participate in the Document Verification Service (DVS), as a result of changes being made to extend access to the DVS beyond government agencies to also include certain private sector organisations.

#### *Background information about DVS*

The DVS is co-ordinated by the Commonwealth Attorney-General's Department to assist in protecting a person's identity. The DVS allows Commonwealth and State government agencies to confirm the authenticity of 'proof of identity' documents (such as a driver licence, birth certificate or passport) used by an applicant to obtain a government benefit or service. The DVS does not store any personal information but instead provides a portal allowing the information to be checked against information held by the document issuing agency. The issuing agency does not transfer personal data but simply confirms whether the details provided match the details it holds by means of a 'yes' or 'no' message back to the inquiring agency. The DVS is intended to reduce the risk of identity theft.

#### *DVS and driver licences*

It should be noted that documents are verified under the DVS for evidence of identity purposes only. It is not possible for an entity to verify the validity of a person's authority to drive through the DVS (for example, it is not possible to verify whether a driver licence is suspended or a driver is disqualified from driving).

Under the DVS, driver licence information is not compared with the individual driver licensing databases of the States and Territories but rather with information held in the National Exchange of Vehicle and Driver Information System (NEVDIS). This is a national database administered by the Association of Australian and New Zealand Road Transport and Traffic Authorities (known as Austroads) that contains information about driver licences that is provided by the licensing authorities from the various Australian jurisdictions.

#### *Proposed changes to DVS*

The Commonwealth Government has announced that access to the DVS is to be extended to the private sector on a fee-for-service basis. Initially, access will only be available to businesses with client identification obligations under Commonwealth legislation (for example, banks and financial institutions with obligations under the *Financial Transaction Reports Act 1988* and companies that have to identify people prior to issuing access and security cards under aviation and marine legislation). Over time, the range of private sector entities able to access the DVS may be expanded.

It is also important to note that due to the technical configuration of the DVS, changes cannot be implemented without the cooperation and participation of all Australian driver licensing jurisdictions. Therefore, the proposed amendments are necessary to ensure that the extension of DVS to private sector organisations can be successfully implemented.

## **Achievement of the Objectives**

The amendments to section 77 of the *Transport Operations (Road Use Management) Act 1995* will ensure that the chief executive of the Department of Transport and Main Roads can release information to Austroads via NEVDIS for use in the DVS.

## **Alternative Ways of Achieving Policy Objectives**

Section 77 of the *Transport Operations (Road Use Management) Act 1995* currently provides for the circumstances in which the chief executive can release information about a person's driver licence. In order to ensure Queensland can continue to participate in the DVS, amendments are required to section 77 to provide for additional circumstances in which the chief executive can release information. There are no alternative ways of achieving the policy objectives.

## **Estimated Cost for Government Implementation**

On the basis of forward estimates prepared by Austroads, it is expected that the revenue resulting from the extension of the DVS will cover the additional operating costs incurred by NEVDIS.

## Consistency with Fundamental Legislative Principles

As outlined above, the DVS does not store any personal information but instead provides a portal allowing the information to be checked against information held by the document issuing agency. The issuing agency does not transfer personal data but simply confirms whether the details provided match the details it holds by means of a 'yes' or 'no' message back to the inquiring agency. Also, documents are verified under the DVS for evidence of identity purposes only. It is not possible for an entity to verify the validity of a person's authority to drive through the DVS (for example, it is not possible to verify whether a driver licence is suspended or a driver is disqualified from driving).

In the *Privacy Impact Assessment for the Extension of Document Verification Service to Private Sector Organisations* prepared for the Commonwealth Attorney-General's Department dated 20 July 2012, it is noted that:

*The DVS is a consent-based verification system. Prior to the submission of any personal information from a document presented as EOI [evidence of identity], informed consent is obtained from the individual presenting the document.*

Given the safeguards outlined above, it is considered that the amendments are consistent with fundamental legislative principles.

## Consultation

Consultation has been undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General and Queensland Treasury and Trade.

## NOTES ON PROVISIONS

*Clause 1* amends the short title of the Bill to Transport Legislation (Port Pilotage and Document Verification) Amendment Bill 2013.

*Clause 2* amends the commencement clause of the Bill so that part 5 (containing the DVS amendments) commences on assent of the Bill.

*Clause 3* inserts a new part 5 in the Bill containing new clauses 24 and 25.

*Clause 24* states that part 5 amends the *Transport Operations (Road Use Management) Act 1995*.

*Clause 25* amends section 77 to ensure that the chief executive of the Department of Transport and Main Roads can release information to Austroads via NEVDIS for use in the DVS.

Section 77 is also being updated to ensure that, in line with contemporary practice, information may be released electronically by the chief executive.

*Clause 4* amends the long title of the Bill so that it also refers to the *Transport Operations (Road Use Management) Act 1995*.